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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4070

(By Delegates Perry, Pino, Beach,
Williams, Stemple and Hrutkay)



Passed March 7, 2002

In Effect Ninety Days from Passage

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H. B. 4070

(BY DELEGATES PERRY, PINO, BEACH,
WILLIAMS, STEMPLE AND HRUTKAY)

[Passed March 7, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section nineteen, article four-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section four, article three-a, chapter twenty-nine of said code, all relating to creating a misdemeanor criminal offense for the failure to obey directions of firefighters or any emergency medical service agency personnel directing or controlling traffic while engaged in official business; and providing criminal penalties for violations.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article four-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section four, article three-a, chapter twenty-nine of said code be amended and reenacted, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-19. Obstructing or causing bodily injury to emergency medical service personnel; criminal penalties.

1 (a) It is unlawful for any person to intentionally obstruct or
2 interfere with any emergency medical service agency personnel
3 engaged in the act of delivering or administering emergency
4 medical services. Any person violating the provisions of this
5 subsection is guilty of a misdemeanor and, upon conviction
6 thereof, shall be fined not more than one thousand dollars or
7 confined in the county or regional jail for a period not more
8 than one year, or both fined and confined.

9 (b) It is unlawful for any person to willfully cause bodily
10 injury to any person designated to be an emergency medical
11 personnel engaged in the act of delivering or administering
12 emergency medical services. Any person violating the provi-
13 sions of this subsection is guilty of a felony and, upon convic-
14 tion thereof, shall be confined in a state correctional facility not
15 less than one nor more than ten years or fined not more than
16 five thousand dollars, or both fined and confined.

17 (c) Nothing in this section may be construed to prevent law-
18 enforcement officials from controlling traffic and otherwise
19 maintaining order at the scene of an accident, injury or illness
20 where an emergency medical service agency is rendering
21 services.

22 (d) No person may willfully fail or refuse to comply with
23 a lawful order or direction of any emergency medical service
24 agency personnel engaged in the act of delivering or adminis-
25 tering emergency medical services, relating to directing,
26 controlling or regulating traffic, so long as such order or
27 direction is conveyed by a retro-reflective hand signing device.

28 Any person violating the provisions of this subsection is guilty
29 of a misdemeanor and, upon conviction thereof: (1) For a first
30 offense shall be fined not more than one hundred dollars; (2) for
31 a second offense occurring within one year of a previous
32 conviction shall be fined not more than two hundred dollars;
33 and (3) for a third and subsequent offense shall be fined not
34 more than five hundred dollars.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3A. AUTHORITY OF LOCAL FIRE DEPARTMENTS.

§29-3A-4. Person attacking or hindering or obstructing firefighter or emergency equipment; penalties.

1 (a) It is unlawful, while any fire department or company or
2 firefighter is lawfully exercising or discharging the depart-
3 ment's, company's or firefighter's official duty during an
4 emergency, for any person to:

5 (1) Attack any firefighter or any of his or her equipment
6 with any deadly weapon as defined in section two, article seven,
7 chapter sixty-one of this code; or

8 (2) Intentionally hinder, obstruct, oppose, or attempt to
9 hinder, obstruct or oppose, or counsel, advise or invite others to
10 hinder, obstruct or oppose, any fire department, fire company
11 or firefighter.

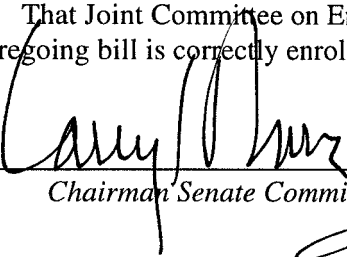
12 (b) Any person violating the provisions of this section is
13 guilty of a felony and, upon conviction thereof, shall be
14 confined in a state correctional facility not less than one nor
15 more than ten years, or, in the discretion of the court, be
16 confined in the regional or county jail not more than one year
17 or fined not more than five hundred dollars, or both.

18 (c) Any person willfully violating any of the provisions of
19 section one or three of this article is guilty of a misdemeanor
20 and, upon conviction thereof, shall be fined not less than one
21 hundred dollars nor more than five hundred dollars.

22 (d) Nothing in this article shall be construed to prevent
23 law-enforcement officials from controlling traffic and otherwise
24 maintaining order at the scene of a fire.

25 (e) No person may willfully fail or refuse to comply with a
26 lawful order or direction of any fire department or company or
27 firefighter who is lawfully exercising or discharging the
28 department's, company's or firefighter's official duty during an
29 emergency, relating to directing, controlling or regulating
30 traffic, so long as such order or direction is conveyed by a retro-
31 reflective hand signing device. Any person violating the
32 provisions of this subsection is guilty of a misdemeanor and,
33 upon conviction thereof: (1) For a first offense shall be fined
34 not more than one hundred dollars; (2) for a second offense
35 occurring within one year of a previous conviction shall be
36 fined not more than two hundred dollars; and (3) for a third and
37 subsequent offense shall be fined not more than five hundred
38 dollars.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



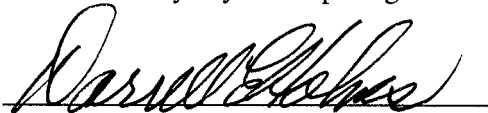
Chairman Senate Committee



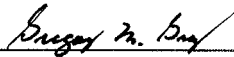
Chairman House Committee

Originating in the House.

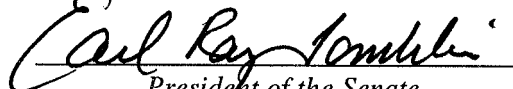
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 15th
day of March 2002.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/02

Time 4:05pm